

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

Ellen Jane Kuten, individually and on
behalf of her daughters; and Mary Ann
Arnold and Elsie Mahler Scharff, on
behalf of themselves and all others
similarly situated;

Civ. File No. 4:06-0937 (PAM)

Plaintiffs,

v.

ORDER

Bank of America, N.A. and Bank of
America Corporation,

Defendants.

This matter is before the Court on Plaintiffs' Motion to Certify the Judgment pursuant to Fed. R. Civ. P. 54(b). Specifically, Plaintiffs ask the Court to enter judgment as to the class claims in light of the Court's dismissal of those claims in its August 29, 2007, Order. Defendants take no position as to whether Plaintiffs have satisfied the requirements of Rule 54(b), "leav[ing] the decision . . . to this Court's discretion." (Def.'s Resp. Mem. at 1.)

The August 29, 2007, Order of this Court dismissed with prejudice all of the claims in the Amended Complaint that related to the putative class. There is no doubt that the Court's Order finally disposed of the claims of the class while leaving for later resolution the individual claims. The language of Rule 54(b) seems to contemplate precisely this scenario by providing that the Court may enter judgment "as to one or more but fewer than all of the claims or parties" in an action.

Accordingly, because the Court finds that there is no just reason to delay the entry of judgment as to the class claims, **IT IS HEREBY ORDERED** that:

1. Plaintiffs' Motion for Entry of Judgment (Docket No. 60) is
GRANTED; and
2. The Clerk of Court is hereby **DIRECTED** to enter judgment pursuant
to Fed. R. Civ. P. 54(b) on Counts 1-12 of the Amended Complaint.

Dated: October 1, 2007

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge